

### ***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 59, 61-66, 68-73, 75-79, 81, and 83-88 are pending in the application, with claims 59, 66, 73, 81, and 83 being the independent claims. Claims 59, 66, 73, 81, and 83-88 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

### ***Objections to the Claims***

The Examiner has objected to claims 66, 68-72, and 85 as allegedly containing informalities. Specifically, the Examiner states that “[i]ndependent claim 66 lacks antecedent basis for ‘the device’ and ‘the network’.” (Office Action, p. 2). Amended claim 66 corrects the antecedent basis for these terms, and Applicants respectfully request reconsideration and withdrawal of the objection.

### ***Rejections under 35 U.S.C. § 103***

#### **Claims 59, 61-66, 68-73, 75-79, 81, and 83**

The Examiner has rejected claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,956,683 to Jacobs et

al. ("Jacobs") in view of U.S. Patent No. 5,929,748 to Odinak ("Odinak"). Applicants respectfully traverse.

As Applicants argued in the Supplemental Amendment and Reply under 37 C.F.R. § 1.116 filed May 17, 2010 ("After Final Reply"), Odinak does not provide the necessary teaching or suggestion to enable one skilled in the relevant art to employ its communication protocols to "transmit data to [a] device, responsive to [a] command" in the manner of the instant claims. (After Final Reply, p. 15). One skilled in the relevant arts would not know how to apply the low- and high-bandwidth channels of Odinak in order to "transmit data to [a] device, responsive to [a] command," where the command is recognized through "speech recognition on [a] received input based at least in part on a previously stored acoustic model," as recited in claim 59.

The Examiner argues in response that "Applicants are attacking the references individually without considering what the prior art teaches in combination." (Office Action, p. 12). In particular, the Examiner argues that "[g]iven that it was known at the time of the invention to control a home entertainment system by voice commands, it would have been obvious to one having ordinary skill in the art to control a home entertainment system of *Odinak* by a distributed voice recognition system of *Jacobs et al.*" (Office Action, p. 13). Applicants are not attacking the references individually, but rather argue that it would not have been obvious to one of ordinary skill in the art at the time Applicants' invention was made to modify the teachings of Odinak for use with the teachings of Jacobs. (M.P.E.P. § 2143.01).

In particular, the disclosure of Odinak concentrates on home control systems (with emphasis on home entertainment functions). Consistent with this approach, the disclosure presents a control transmitter 30 of FIG. 2 and several components which

receive control signals from the control transmitter (over a low-bandwidth channel) and transmit analog audio or video in response over a high-bandwidth channel, such as VCR 16 of FIG. 4 and audio system 20 of FIG. 5. There is no component described in Odinak that has a transceiver “configured to *transmit* data to the device” via *both* “a high bandwidth communication channel” *and* “a low bandwidth communication channel,” as recited in claim 59.

Odinak does add that “in practice any particular component is equipped with whatever transmitters and receivers are required to carry out the functions of the component.” (Odinak, 5:23-27). However, this would have required one of ordinary skill in the art to modify Odinak to not only provide high- and low-bandwidth transmission capabilities, but to be able to “transmit data to [a] device, *responsive to [a] command*,” where the command is recognized through “speech recognition on [a] received input based at least in part on a previously stored acoustic model,” (which teaching the Examiner argues is supplied by Jacobs) as recited in claim 59. That one of ordinary skill in the art would have been able to make this particular modification can only be concluded through the application of impermissible hindsight bias.

The Examiner provides as an alleged example of the claimed behavior the ability for Jacobs to provide a command signal (Jacobs, 5:53-54) and high-bandwidth audio, such as in audio messages (Jacobs, 6:5-11). (Office Action, p. 13). The command signal of Jacobs would then ostensibly be sent via the low-bandwidth channel of Odinak, and the audio messages via the high-bandwidth channel of Odinak. However, this assumes that one of ordinary skill in the art would have known in the absence of Applicants’ disclosure to build a component, based on Odinak, that could not only *transmit both* low- and high-bandwidth communications (which is itself not taught or suggested by Odinak,

alone or in combination with Jacobs), but would *also* do so “responsive to [a] command” recognized through “speech recognition on [a] received input based at least in part on a previously stored acoustic model,” as recited in claim 59.

In addition, transmitting a control signal (i.e., as in a low-bandwidth communication) responsive to a command fundamentally changes the principle of operation of the Odinak reference. (M.P.E.P. § 2143.01(VI)). Odinak nowhere provides any teaching or suggestion of a configuration that could be used to provide “a low bandwidth communication channel configured to transmit data supporting control signals” where data is transmitted “responsive to [a] command,” where both the source of the command and the target of the control signals is the same “device,” as recited in claim 59. Applicant respectfully submits that one of ordinary skill in the art would not, prior to Applicants’ disclosure, have tried to use Odinak to, in effect, provide control signals to a source device itself through an intermediary remote device.

For at least the aforementioned reasons, claim 59 is not rendered obvious by the combination of Jacobs and Odinak. Claims 66, 73, 81, and 83 recite analogous features, using respective language, and are likewise not rendered obvious by the combination of Jacobs and Odinak for at least the same reasons as claim 59, and further in view of their own respective features. Claims 61-65, 68-72, and 75-79 depend from claims 59, 66, and 73, respectively, and are likewise not rendered obvious by the combination of Jacobs and Odinak for at least the same reasons as claims 59, 66, and 73, and further in view of their own respective features.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 59, 61-66, 68-73, 75-79, 81, and 83 under 35 U.S.C. § 103(a).

Claims 84-88

The Examiner has rejected claims 84-88 under 35 U.S.C. § 103(a) as allegedly being obvious over Jacobs in view of Odinak, further in view of U.S. Patent No. 5,946,658 to Miyazawa et al. ("Miyazawa"). Applicants respectfully traverse.

For the reasons noted above, claims 59, 66, 73, 81, and 83 are not rendered obvious by the combination of Jacobs and Odinak. Miyazawa does not provide the missing teaching or suggestion, nor does the Examiner rely on Miyazawa as allegedly supplying the missing teaching or suggestion. Accordingly, claims 59, 66, 73, 81, and 83 are not rendered obvious by the combination of Jacobs, Odinak, and Miyazawa. Claims 84, 85, 86, 87, and 88 depend from claims 59, 66, 73, 81, and 83, respectively, and are likewise not rendered obvious by the combination of Jacobs, Odinak, and Miyazawa for at least the same reasons as claims 59, 66, 73, 81, and 83, and further in view of their own respective features.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 84-88 under 35 U.S.C. § 103(a).


***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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